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Sequence Number: 06-26-15
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 File Date: 6/26/15

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission: Department of Commerce and Insurance
Division: Division of Fire Prevention
Contact Person: Joseph Underwood
Address: 500 James Robertson Parkway
Phone: 615-741-3899
Email: Joseph.Underwood@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact: Don Coleman
Address: 500 James Robertson Parkway
Phone: 615-741-6500
Email: Don.Coleman@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	500 James Robertson Parkway		
Address 2:	Davy Crockett Tower, Conference Room 1-A		
City:	Nashville		
Zip:	37243		
Hearing Date :	08/19/2015		
Hearing Time:	10 a.m.	<input checked="" type="checkbox"/> X	CST/CDT <input type="checkbox"/> EST/EDT

Additional Hearing Information:

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0780-02-02	Codes and Standards
Rule Number	Rule Title
0780-02-02-.01	Adoption By Reference
0780-02-02-.02	Application (REPEALED)
0780-02-02-.03	Retroactive Enforcement

0780-02-02-.04	Conflicts
0780-02-02-.05	Local Ordinances

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Amendment
Chapter 0780-02-02
Codes and Standards

Rule 0780-02-02-.01 Adoption by Reference shall be amended by deleting the existing rule in its entirety and substituting the following, so that, the new rule shall read as follows:

- (1) Unless otherwise provided by applicable law or the provisions of this chapter, the required minimum standards for fire prevention, fire protection and building construction safety in the state of Tennessee shall be those prescribed in the following publications:
 - (a) International Building Code (IBC), 2012 edition, published by the International Code Council (ICC), except for:
 - (1) Chapter 11 Accessibility;
 - (2) Chapter 34, Section 3411 Accessibility For Existing Buildings;
 - (3) Chapter 35 Referenced Standards in conflict with the installation and service standards of portable fire extinguishers and fixed fire extinguisher systems in Tenn. Comp. R. & Regs. 0780-02-14-.02; and,
 - (4) Chapter 35 Referenced Standards in conflict with the standards for engaging in the liquefied petroleum gas business in Tenn. Comp. R. & Regs. 0780-02-17-.02.
 - (b) International Fire Code (IFC), 2012 edition, published by the International Code Council (ICC), except for:
 - (1) Chapter 80 Referenced Standards in conflict with the installation and service standards of portable fire extinguishers and fixed fire extinguisher systems in Tenn. Comp. R. & Regs. 0780-02-14-.02; and,
 - (2) Chapter 80 Referenced Standards in conflict with the standards for engaging in the liquefied petroleum gas business in Tenn. Comp. R. & Regs. 0780-02-17-.02.
 - (c) For state buildings, educational occupancies and any other occupancy requiring an inspection by the state fire marshal for initial licensure, NFPA 101 Life Safety Code, 2012 edition, published by the National Fire Protection Association (NFPA).
- (2) Paragraph (1) of this rule shall not be construed as adopting any provision of the cited publications which establishes:
 - (a) an optional or recommended, rather than mandatory, standard or practice; or,
 - (b) any agency, procedure, fees or penalties for administration or enforcement purposes inconsistent with the statute or rules.

Authority: T.C.A. §§ 68-102-113 and 68-120-101.

Rule 0780-02-02-.03 Retroactive Enforcement shall be amended by deleting the existing rule in its entirety and substituting the following, so that, the new rule shall read as follows:

Any existing building which conformed to the standards legally effective at the time of its construction shall not be subject to the standards adopted by reference in Tenn. Comp. R. & Regs. 0780-02-02-.01, unless the

nonconformity of the building to such standards poses a serious life safety hazard. However, any construction as defined in Tenn. Comp. R. & Regs. 0780-02-03-.01 undertaken after the effective date of this chapter shall be in compliance with the standards adopted by reference in Tenn. Comp. R. & Regs. 0780-02-02-.01.

Authority: T. C. A. §§ 68-102-113, 68-120-101 and 68-120-102.

Rule 0780-02-02-.04 Conflicts shall be amended by deleting the existing rule in its entirety and substituting the following, so that, the new rule shall read as follows:

- (1) In the event of a conflict or inconsistency between the standards adopted by reference in Tenn. Comp. R. & Regs. 0780-02-02-.01:
 - (a) the provisions of the International Building Code (IBC) shall prevail if such conflict or inconsistency relates to building height, building area restrictions or construction type;
 - (b) the provisions of the Tennessee Public Building Accessibility Act, T.C.A. § 68-120-201, et seq., shall prevail if such conflict or inconsistency relates to accessibility; and,
 - (c) the more stringent provision shall prevail in all other cases.
- (2) In the event of a conflict or inconsistency between either standard adopted by reference in Tenn. Comp. R. & Regs. 0780-02-02-.01 and 0780-02-01 (Electrical Installations), the provisions of Tenn. Comp. R. & Regs. 0780-02-01 (Electrical Installations) shall prevail.
- (3) Nothing in this rule shall abrogate any right of appeal granted under T.C.A., Title 68, Chapters 102 and 120.

Authority: T. C. A. §§ 68-102-113, 68-120-101 and 68-120-106.

Rule 0780-02-02-.05 Local Ordinances shall be amended by deleting the existing rule in its entirety and substituting the following, so that, the new rule shall read as follows:

Except as provided in T.C.A. § 68-120-101, or otherwise approved in writing by the state fire marshal, no city, county, town, municipal corporation, metropolitan government, or political subdivision of the state of Tennessee shall adopt or enforce any ordinance prescribing less stringent standards of fire prevention, fire protection, or building construction safety than those established hereunder. A city, county, town, municipal corporation, metropolitan government, or political subdivision of the state of Tennessee that has adopted an edition of a building construction or fire safety standard within seven (7) years of the most current published edition shall be deemed to be in compliance with this chapter.

Authority: T.C.A. §§ 68-102-113, 68-120-101 and 68-120-106.

Repeal
Chapter 0780-02-02
Codes and Standards

Rule 0780-02-02-.02 Application shall be amended by repealing the existing rule in its entirety.

Authority: T.C.A. §§ 68-102-113 and 68-120-101.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 6/26/15

Signature: *Joseph M. Underwood*

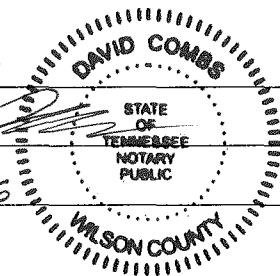
Name of Officer: Joseph M. Underwood

Title of Officer: Chief Counsel for Fire Prevention and Law Enforcement

Subscribed and sworn to before me on: 6/26/15

Notary Public Signature: *David Combs*

My commission expires on: 12/6/16



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Filed with the Department of State on: 6/26/15

Tre Hargett

Tre Hargett
Secretary of State

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